

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of the Application of: Judah S. Berkowitz et al.

Patent No.: 7,474,746 B2 Confirmation No.: 2465

Issue Date: January 6, 2009

For: **MULTI-USER TELEPHONE SYSTEM**

Examiner: Olisa Anwah Group Art Unit: 2614

Attorney Docket No.: 47816-901 (formerly NTG-010US)

Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF REFUSAL TO
ENTER REQUEST FOR CERTIFICATE OF CORRECTION**

Sir:

This paper is being filed to make of record a telephone interview, conducted on April 6, 2010 with Supervisor Examiner Fan S. Tsang, regarding the refusal to enter the Request for Certificate of Correction which was mailed to the U.S. Patent and Trademark Office on December 9, 2009. Please charge any additional requisite fees relating to this paper to Deposit Account No. 501581.

The patentee's attorney indicated to Supervisory Examiner Tsang that the refusal to grant the Request for Certificate of Correction goes against the Rules of Practice/MPEP of the U.S. Patent and Trademark Office and advanced three points, considered below, in support of granting the Request for Certificate of Correction.

The patentee has requested that the words "switching network" that appear only in the claims of the issued patent be replaced by the words "network switch" that appear in the drawings and in the description of the invention numerous times. According to the Rules of Practice/MPEP of the U.S. Patent and Trademark Office:

- When the word "said" is used before an element in a claim, there must be antecedent basis for that element in the claim. There is no antecedent basis for "said facility

switching network” in the claims of the issued patent. There is, however, antecedent basis for “facility network switch” in the claims of the issued patent.

- When an element is recited in a claim, there must be support for this element in the description of the invention. The words “facility switching network” do not appear in the description of the invention. The description of the invention, however, includes many references to a “facility network switch.” The patentee requests identification of a “facility switching network” in the description of the invention, if the position that the scope of the claims will change if the Request for Certificate of Correction is granted is maintained.
- When an element is recited in a claim, it must be illustrated in the drawings. There is no illustration of a “facility switching network” in the drawings. There is, however, an illustration of a “facility network switch” in Figure 1. The patentee requests identification of a “facility switching network” in the drawings, if the position that the scope of the claims will change if the Request for Certificate of Correction is granted is maintained.

As explained to Supervisory Examiner Tsang, the patentee is not trying to reopen prosecution of the application from which the patent issued. The patentee, by making reference to the Rules of Practice/MPEP of the U. S. Patent and Trademark Office, is providing support that makes very clear that the correction that the patentee seeks to effect is of an editorial nature that does not change the scope of the claims. Had the Examiner picked up this editorial error, a rejection under Section 112 would have been proper and the applicant would have amended the claims in the application in the same way that the patentee seeks to correct the claims in the patent.

Respectfully submitted,

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Dated: April 9, 2010
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